

## **NOTICE OF PUBLIC HEARING**

Pursuant to Hawaii Revised Statutes ("HRS") section 460J-3 and chapter 91, notice is hereby given that the Pest Control Board ("Board") will hold a public hearing on Monday, July 25, 2005 at 2:00 p.m., in the King Kalakaua Conference Room, First Floor, King Kalakaua Building, Department of Commerce and Consumer Affairs, 335 Merchant Street, Honolulu, Hawaii, to hear all persons interested in the proposed amendments to Hawaii Administrative Rules ("HAR") chapter 16-94 pertaining to pest control operators.

The purposes of the proposed amendments are to: (1) add a definition of "Board"; (2) recognize LLP's and other business entities that may be formed, and require business entities to register with the Department's Business Registration Division ("BREG"); (3) clarify that all pest control entities shall have a "permanent place of business" defined as a physical address, not a post office box number; (4) require that trade names or "dba's" first be registered with BREG; (5) clarify requisite experience for pest control operators (PCO), responsible managing employees (RME), and pest control field representatives (PCFR); (6) repeal the current six month experience requirement for PCFR's and instead institute a sixty-hour training and field experience requirement; (7) repeal the current requirement that a PCFR be certified by the Department of Agriculture ("DOA") as a commercial applicator in the branch for which application is made; (8) allow the Board to accept a job list completed and verified by another person familiar with the applicant's experience; (9) clarify the one year supervisory experience for PCO/RME's to be on-site field supervision; (10) remove the requirement that

one year supervisory experience is required in each branch and instead accept one year supervisory experience to satisfy multiple branch applications; (11) allow certification for PCO/RME's from the DOA of less than one year provided evidence of equivalent experience with pests and the use of pesticides under the same or similar conditions prevailing in the state is verified; (12) repeal the requirement that applicants for a business license shall file a current financial statement prepared and signed by a CPA or PA, and instead require a current credit report; (13) accept current certificates of insurance for worker's compensation and general liability rather than the current policy; (14) require that an insurer for workers' compensation and general liability be authorized to conduct business in this State, be an unauthorized insurer in accordance with Article 8 of chapter 432, HRS, or be a risk retention or risk purchasing group in accordance with chapter 431K, HRS; (15) allow applicants who are excluded from worker's compensation pursuant to chapter 386, HRS, to claim the exclusion; (16) require that the Board shall be notified at least 30 days prior to any cancellation, termination, or withdrawal of any worker's compensation or general liability policy; (17) allow the Board to accept current proof of compliance with a payment arrangement from the State Department of Taxation in lieu of a tax clearance, provided either is issued within six months of the application date when applying for a new license or for license renewal; (18) require joint ventures and partnerships to register and be in good standing with the Department's BREG Division; notify the Board of its dissolution within 30 days of the dissolution (failure results in automatic forfeiture); set forth that if the license of a member or

partner of the joint venture or partnership is suspended, revoked, terminated, withdrawn, forfeited or refused to be renewed, it shall result in the automatic forfeiture of the joint venture or partnership license; (19) allow the Board to provide examinations more than 4 times per year; (20) allow the Board to waive an examination for applicants who, within one year prior to the application, has previously qualified by written examination, or was licensed in good standing, or on an inactive status; (21) adopt the Department's provisions for oral testimony; and (22) make other non-substantive changes for the purposes of style and clarity.

All interested persons shall be afforded the opportunity to submit data, views, or arguments, orally or in writing, at the time of hearing. All persons wishing to submit written testimony are requested to submit 18 copies of their written testimony by Friday, July 15, 2005, to the Professional and Vocational Licensing Division at the address printed below.

A copy of the proposed rules will be mailed to any person who requests a copy upon receipt of \$3.76 for the copy and postage. Please submit your request to the Professional and Vocational Licensing Division at the address noted below or contact the Board's office at (808) 586-2705.

Copies may be picked up at the following address between 7:45 a.m. and 4:30 p.m., Monday through Friday, excluding holidays: Department of Commerce and Consumer Affairs, Professional and Vocational Licensing Division, 335 Merchant Street, Room 343, Honolulu, Hawaii 96813. The cost of a copy, \$2.70, is due and payable at the time of pick up.

Further, the proposed rules may be reviewed in person free of charge at the Professional and Vocational Licensing Division at the address and hours of operation printed above. In addition, the full text of the proposed rules is available and can be downloaded free of charge from the web site of the Department of Commerce and Consumer Affairs:

[http://www.hawaii.gov/dcca/main/har/proposed\\_har](http://www.hawaii.gov/dcca/main/har/proposed_har).

Individuals who require special needs accommodations are invited to call Charlene Tamanaha at (808) 586-2705 at least four (4) working days prior to the hearing.

Julian Yates, Vice Chair  
Pest Control Board  
State of Hawaii